



MAINE DEPARTMENT OF MARINE RESOURCES

Aquaculture Division, 21 State House Station, Augusta, ME 04333-0021 (207) 624-6567

CONDUCTING AQUACULTURE IN MAINE

To engage in aquaculture in Maine, including the suspended culture of any marine organism, the culture of finfish in nets, pens, or other enclosures, or bottom culture of shellfish with exclusive rights to harvest them, Maine law requires you to obtain from DMR either:

1. **A standard lease** (Application fee of \$1,500 for shellfish, marine algae, or other species; \$2,000 for finfish; term is up to 10 years; size is up to 100 acres; renewable);
2. **An “experimental” lease** (Application fee of \$100; non-renewable 3-year term; size is up to 4 acres); or
3. **A limited-purpose aquaculture license (LPA)** (\$50 fee, renewable annually, up to 400 square feet of space for designated types of gear for culturing certain species of shellfish, algae, or sea urchins in a single location, limit 4 per person).

OTHER PERMITS: The U.S. Army Corps of Engineers requires a permit for any gear on a lease or license site. You will be required to apply to the U.S. Coast Guard Private Aids to Navigation (PATON) program for navigation marking requirements for your site. Finfish aquaculture requires a discharge license from the Maine Dept. of Environmental Protection (DEP) and is subject to many other requirements. Shellfish aquaculture is also subject to all DMR regulations regarding water quality, harvesting, and sales. If you are obtaining seed shellfish from a source other than a Maine-approved hatchery, you will need a permit from DMR.

STARTING OUT WITH AN LPA: For people interested in starting out with a small project to culture certain types of shellfish, marine algae, or sea urchins, an LPA license is the simplest choice. LPAs are governed by a “permit-by-rule” process: if you provide all the information required by the rule, including approval of the local Harbormaster, the permit is granted for the calendar year. It takes several weeks, minimum, to process your application. An LPA is renewable annually on submission of a short form and \$50.

STANDARD AND EXPERIMENTAL LEASES are available to individuals, partnerships, and corporations. Beginning aquaculturists who do not use an LPA usually apply for an experimental lease; if the site proves suitable after the 3-year term, they apply for a standard lease. A standard lease usually takes between 12 and 18 months to process and always requires a public hearing. Experimental leases can usually be processed in 6 to 12 months, depending on the complexity of the application and the issues involved. An experimental lease requires a public hearing only if more than 5 people request it after public notice of the application is given, or if DMR determines that a hearing is warranted. Lease applications that are poorly prepared or that have complex issues to resolve may take longer than the typical processing time.

Other issues to consider include:

1. DMR’s classification of the water quality at the site for purposes of shellfish harvesting; see our website:
http://www.maine.gov/dmr/rm/public_health/closures/closedarea.htm.
2. Whether the proposed site is within one-quarter mile of the Essential Habitat of an endangered species, such as a piping plover or least tern nesting area as designated by the Maine Dept. of Inland Fisheries and Wildlife.

SUMMARY OF LEASES & LICENSES FOR MARINE AQUACULTURE IN MAINE

Type of Permission	No Permit	LPA license	Experimental Lease	Standard Lease
What can I grow?	Anything except finfish, no imports	Blue mussels; soft, hard, surf, and razor clams; American & European oysters; sea urchins, sea scallops, bay scallops, & marine algae	Any species already present in Maine.Out-of-state stock requires DMR import permit.	Any species already present in Maine.Out-of-state stock requires DMR import permit.
How much space can I occupy?	Any size	≤ 400 sq ft.	Up to 4 acres, can be bottom or suspended, or both	Up to 100 acres, can be bottom or suspended or both
How long will the lease or license last?	N/A	1 <i>calendar</i> year: all LPAs expire Dec 31 each year	Up to 3 years, start date flexible within 1 yr. of lease decision	Up to 10 years
How much will it cost?	\$0	\$50/ year	\$100 application fee + \$100/acre/yr rent	App Fee: \$1,500(shellfish), \$2,000(finfish) + Rent: \$100/acre/yr + Renewal fees in 10 yrs
What types of gear can I use?	None – bottom culture only	Certain types specified in rule, (e.g. rafts, soft bags, tray racks, lantern nets, upwellers)	Any, as long as appropriate for site	Any, as long as appropriate for site
Is my product legally protected from poaching?	No	Yes	Yes	Yes
Do I need to get a bond?	No	No	Yes	Yes
DMR site visit required?	No	No	Yes – but typically no dive	Yes, full site review w/ dive & video
Will I have to have a scoping session and public hearing?	No	No – Only municipal official signature required	Maybe: it's at DMR's discretion or if 5 or more people request a hearing	Yes
How long will it take to get this lease or license?	N/A	After application is received at DMR, it takes approximately 4-12 weeks.	Varies depending on whether a hearing is required and when the application is filed. Typically 3 mos. to a year.	Varies depending on when the application is filed and how complicated the application and issues are. Typically 8 months or longer.
Renewable?	N/A	Yes	No (except for research)	Yes. Must apply at least 90 days before expiration of current lease
Notes	Any licensed harvester can take that product. There is no exemption for undersize – so cannot possess undersize product	Good tool for nursery sites, trying new areas, relay sites, hobby or small operations. Renewed each year – town and nearby landowners can comment each year, so not guaranteed to continue from year to year.	If a standard lease application is filed before the expiration of the experimental lease, the experimental lease continues until DMR makes a decision on the standard lease application.	Public process is extensive, but this is the best tool for long-term operations.

Aquaculture Lease Applications: What works?

Things that DON'T work!

Applicants: Don't...

- Gloss over or leave out information that you are sure the DMR will know.
- Assume that the DMR will or will not grant an application.
- Request new non-native species without substantial documentation of no harm.
- Be unclear or inconsistent in how you describe the process: the public will think you are “changing your story”, even if that’s not your intent.

Public: Don't...

- Give only vague or non-specific concerns.
- Wait until the last minute to ask for changes to the proposal.
- Rely on personal opinion, rather than facts, when communicating your concerns.

Things that DO work!

Applicants: Do...

- Scout the area in advance in several seasons.
- Consult with local users; neighbors, fishermen, Harbormaster, Marine Patrol, known recreational users, local guides.
- If practical, apply for an LPA license or experimental lease to start small and build both your operational knowledge and local residents’ knowledge of your activities.
- Pay attention to detail in your application.
- Be consistent and clear about your proposal, regardless of what group or individual you are talking to.
- Call DMR aquaculture staff if you have questions.

Public: Do...

- Engage early in the process – at the scoping session - when you have a chance to influence the choice of sites, size, and other details.
- If you don't understand the proposal or the process, ask for more information!
- When it's time for formal comments, be specific, and relate the comments to the criteria that DMR has to use in making a decision.
- Call DMR aquaculture staff if you have questions.

CONTACT INFORMATION

Dept. of Marine Resources Aquaculture Division staff

Scientific & Technical Assistance:

Jon Lewis, Director, Aquaculture Division: Jon.Lewis@maine.gov;
(207) 633-9594
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Flora Drury, Aquaculture Scientist, Flora.M.Drury@maine.gov; (207) 633-9500

Aquaculture lease & license process:

Diantha Robinson, Hearing Officer, diantha.robinson@maine.gov; (207) 624-6577
Hannah Dean, Hearing Officer, hannah.dean@maine.gov; 624-6573
Cindy Burke, Paralegal Assistant, cindy.l.burke@maine.gov; (207) 624-6567

Shellfish Health & Harvest information:

Kohl Kanwit, Director, Bureau of Public Health, kohl.kanwit@maine.gov; (207) 633-9500

DMR website: www.maine.gov/dmr/aquaculture/index.html: visit this site to find the laws and rules governing aquaculture in Maine, download application forms, and review past decisions, current leases, and pending cases.

OTHER SOURCES OF INFORMATION

U. S. Army Corps of Engineers (permits for aquaculture gear): LeeAnn B. Neal, Senior Project Manager, 675 Western Ave. #3, Manchester, Maine 04351;
LeeAnn.Neal@usace.army.mil; (207) 623-8367, ext. 2

Maine Sea Grant (research, education, outreach – excellent source of information & advice for beginners and experienced growers): <http://www.seagrants.umaine.edu/extension/aq.htm>

Maine Aquaculture Association (trade association for aquaculturists):
<http://www.maineaquaculture.com>

Maine Aquaculture Innovation Center (research, grants):
<http://maineaquaculture.org>

Aquaculture Network Information Center (AquaNIC)
<http://www.aquanic.org>